

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS WENDORF,

Plaintiff,

vs.

Case No. 08-CV-12229
HON. GEORGE CARAM STEEH

JLG INDUSTRIES, INC.,

Defendants.

_____ /

ORDER DISMISSING MAY 29, 2008 SHOW CAUSE ORDER (#5)

On May 29, 2008, the defendant JLG Industries, Inc. was ordered to show cause by June 16, 2008 why this case should not be dismissed for lack of federal subject matter jurisdiction in the absence of allegations sufficient to ascertain the defendant's citizenship and thus establish complete diversity.¹ See 28 U.S.C. § 1332(a)(1), (c)(1) and JP Morgan Chase Bank v. Traffic Steam (BVI) Infrastructure Ltd., 536 U.S. 88, 91 (2002). Defendant filed a timely response on June 13, 2008 affirmatively stating that plaintiff is a resident of Michigan, and defendant JLG is a Pennsylvania corporation with its principal place of business in McConnellsburg, Pennsylvania. Defendant has thus demonstrated that complete diversity exists in this lawsuit. See Owen Equipment and Erection Co. v. Kroger, 437 U.S. 365, 373 (1978). Accordingly,

The court's May 29, 2008 order requiring defendant to show cause is hereby DISMISSED.

¹ JLG removed this matter from state court on May 21, 2008. The matter would have been subject to remand, not dismissal, had JLG failed to show cause as ordered.

SO ORDERED.

Dated: June 17, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 17, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk